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Promotion and protection of human rights

The rule of law at the national and international levels

Letter dated 18 November 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the statement of the State Duma of the Federal Assembly of the Russian Federation on the criminal case in connection with the events of 13 January 1991 now being considered in the Vilnius District Court, Republic of Lithuania (see annex).

I should be grateful if you would circulate the present letter and its annex as a document of the General Assembly, under agenda items 68 and 84.

(*Signed*) P. **Iliichev**
Chargé d'affaires a.i.

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Annex to the letter dated 18 November 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General

Statement by the State Duma on the criminal case in connection with the events of 13 January 1991 now being considered in the Vilnius District Court, Republic of Lithuania

The second phase in the criminal trial of more than 60 citizens of the former Union of Soviet Socialist Republics (USSR) in connection with the events of 13 January 1991 began on 3 October 2016 in the Vilnius District Court, Republic of Lithuania. Among the accused are citizens of the Russian Federation. Y. N. Mel, a former Soviet officer and Reserve Colonel in the Armed Forces of the Russian Federation, who was indicted in person, has been in detention for nearly three years, despite a grave illness. The vast majority of the accused in this case are outside the Republic of Lithuania, primarily in the Russian Federation, and are being indicted in absentia. They include D. T. Yazov, former Minister of Defence of the USSR. The persons on trial stand accused of attempting to make unlawful changes to the constitutional system of the Lithuanian State, undermine its independence and territorial integrity and commit crimes against humanity and war crimes during the tragic events that occurred in the city of Vilnius on 13 January 1991, when the television tower was stormed. During those events, 14 people, including Soviet Lieutenant V. V. Shatskikh, lost their lives, and more than 100 were injured.

The position of the Office of the Procurator-General of the Republic of Lithuania on what is known as the 13 January case is that Lithuania fell victim to aggression by Moscow. This position is completely untenable from both the legal and political standpoints. The events in Vilnius in connection with which citizens of the former USSR are being charged took place at a time when the Lithuanian Soviet Socialist Republic, not yet an independent State, was part of the USSR. The procedure for withdrawal from the USSR was governed by USSR law, specifically by the Act of the USSR of 3 April 1990 on the procedure for resolving matters associated with the secession of a Union republic from the USSR. Owing to the fact that the withdrawal of a Union republic from the USSR was not an instantaneous process, 6 September 1991, which was the date of adoption of Decision GS-1 of the USSR State Council, on recognition of the independence of the Republic of Lithuania, should be considered the date when Lithuania became independent. Following adoption of that Decision, the Republic of Lithuania received international recognition and joined the United Nations.

Citizens of the former USSR are being charged with crimes under several articles of the 2000 Criminal Code of the Republic of Lithuania, with charges laid under the version that entered into force on 31 March 2011, even though the events in question occurred on 13 January 1991. In addition, according to article 7 of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, no one can be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Similar provisions are contained in article 11 of the Universal Declaration of Human Rights, adopted

on 10 December 1948, and in article 15 of the International Covenant on Civil and Political Rights, adopted on 16 December 1966. These are flagrant attempts by the Lithuanian authorities, based on expediency and their own misconceptions regarding political advisability, to violate one of the fundamental principles of justice, that of non-retroactivity in criminal law.

The deputies of the State Duma of the Federal Assembly of the Russian Federation consider the kangaroo court proceeding now under way in connection with the 13 January case to be a political trial in the worst traditions of punitive justice, which has nothing to do with the protection of human rights and freedoms, runs counter to international law and is distinctly anti-Russian in character. Not only do such trials contribute nothing to the restoration of a genuinely friendly atmosphere of engagement between our States, they also do serious harm to the long-term interests of Russo-Lithuanian relations.

The deputies of the State Duma protest attempts to adopt — in the guise of execution of justice — political decisions targeting the Russian Federation. By falsifying history, opponents of friendly, neighbourly relations between the peoples of Russia and Lithuania are laying the groundwork for international condemnation of Russia as successor to the so-called totalitarian regime of the USSR, with the intention of proceeding to make material and other claims that are supposedly legal in nature but are in fact politically motivated.

The deputies of the State Duma believe that the tragic events that occurred in January 1991 in Vilnius, as well as other events related to the collapse of the Soviet Union, should be considered on the basis of universally recognized rules of law, political impartiality and historical truth.

The deputies of the State Duma hereby state that they will continue to provide the necessary assistance to citizens of the Russian Federation and citizens of other States who are being prosecuted in the 13 January case, by means including providing for their legal and informational support through interparliamentary cooperation mechanisms.

V. V. **Volodin**
Chairman of the State Duma
Federal Assembly
of the Russian Federation

Moscow

9 November 2016